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Councilmember Kathy Patterson


Councilmember Carol Schwartz


Councilmember David Catania

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Kathy Patterson, Carol Schwartz and David Catania introduced the following bill, which was referred to the Committee on _____.

To require shippers of certain hazardous materials to obtain a permit and conform to routes, times and other safety conditions when traveling into or out of the District of Columbia; to create conditions for permits; and to require the Mayor to issue regulations to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Terrorism Prevention and Safety in Hazardous Materials Transportation Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Approved facility" means a facility permitted by the District of Columbia to receive transported hazardous materials.
- (2) "Emergency" means an unanticipated, temporary situation that threatens the immediate safety of individuals or property within the District of Columbia.
- (3) "Hazardous materials" has the same meaning as contained in 49 CFR Part 172.
- (4) "Practical alternative route" shall be defined by the regulations issued pursuant to section 6 of this act.

Sec. 3. Applicability.

1 (a) This act shall apply to the same categories and quantities of hazardous
2 materials as covered by 49 CFR Part 172.800 (b) (1-5), except they shall not apply to:

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4 (1) Radioactive truck shipments as defined in 49 CFR 173.403;

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6 (2) Division 1.3 explosives as defined in 49 CFR 173;

7
8 (3) A shipment of a quantity of hazardous materials in a bulk packaging
9 having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids
10 or gases or more than 13.24 cubic meters (468 cubic feet) for solids, as defined in
11 49 CFR 172.800 (b) (4), but which materials are not included in the "Table of
12 Initial Isolation and Protective Action Distances" in the U.S. Department of
13 Transportation Emergency Response Guidebook, Year 2000 and subsequent
14 versions.

15
16 (4) A shipment in other than a bulk packaging of 2,268 kilograms (5,000
17 pounds) gross weight or more of one class of hazardous materials for which
18 placarding of a vehicle, rail car, or freight container is required for that class under
19 the provisions of subpart F of this part as defined in 49 CFR 172.800 (b) (4), but
20 which material is not included in the "Table of Initial Isolation and Protective
21 Action Distances" in the US Department of Transportation Emergency Response
22 Guidebook, Year 2000 and subsequent versions.

23
24 (b) This act shall apply to truck and rail shipments of liquified natural gas and
25 liquefied petroleum gas.

26
27 Sec. 4. Permit Required.

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29 Hazardous materials shall not be transported by highway or rail into or out of the District
30 of Columbia, except where the shipper of the hazardous materials has obtained a permit
31 from the District of Columbia Department of Transportation pursuant to this act and other
32 applicable laws.

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34 Sec. 5. Permit Conditions.

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36 (a) No permit shall be issued pursuant to Sec. 5 except where the shipper of the
37 hazardous materials has demonstrated that:

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39 (1) No practical alternative route to passage through the District of Columbia exists;
40 or

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42 (2) The ultimate destination for the hazardous materials is an approved facility
43 located in the District of Columbia; or

44
45 (3) An emergency requires passage through the District.

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2 (b) Any shipments authorized to be transported shall conform to routes, times and other
3 safety conditions specified by the District of Columbia Department of Transportation.
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6 Sec. 6. Regulations.

7 (a) The Mayor, pursuant to title 1 of the District of Columbia Administrative
8 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et*
9 *seq.*), shall issue regulations to implement the provisions of this act, including the
10 provision of a fee and permit system to support analysis, communications to shippers and
11 carriers, and the enforcement program.

12 (b) The regulations shall be promulgated by the District of Columbia Department
13 of Transportation in consultation with the Emergency Management Agency, Fire and
14 Emergency Medical Services Department, and Metropolitan Police Department.
15

16 Sec. 7. Fiscal Impact.

17 The Council adopts the fiscal impact statement in the committee report as the
18 fiscal impact statement required by Section 602(c)(3) of the District of Columbia Home
19 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
20 206.02(c)(3)).
21

22 Sec. 8. Effective Date.

23 This act shall take effect following approval by the Mayor (or in the event of veto
24 by the Mayor, action by the Council to override the veto), a 30-day period of
25 Congressional review as provided in Section 602(c)(1) of the District of Columbia Home
26 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.